

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

TENNESSEE CONFERENCE of the NATIONAL
ASSOCIATION for the ADVANCEMENT of
COLORED PEOPLE, et al.,

Plaintiffs,

v.

WILLIAM LEE, in his official capacity as Governor of
the State of Tennessee, et al.,

Defendants.

Civil No. 3:20-cv-01039

JUDGE CAMPBELL
MAGISTRATE JUDGE
FRENSLEY

[Class Action]

JOINT MOTION TO CONTINUE TRIAL

Pursuant to this Court's August 14, 2023 Order, the parties respectfully file this Joint Motion to Continue the Trial of this matter. The requested continuance is necessary for a full evaluation of Defendants' recent substantial changes to their procedures and requirements related to voting rights restoration, including issuing Certificates of Restoration (CORs), and to assess the impact, if any, of those changes on Plaintiffs' COR-related claims and on the individual circumstances of class representatives.

1. On May 2, 2023, the Court entered an Order scheduling the trial of this case for November 28, 2023. ECF No. 129.

2. On July 19, the parties filed a joint motion to move the dispositive motion deadline back by one week to prepare their motions, ECF No. 144, which the Court granted on July 21, ECF No. 145.

3. On July 21, Defendant Goins sent a memorandum to county election officials changing his interpretation of the State's requirements for individuals with felony convictions to

restore their voting rights, based on his reading of the Tennessee Supreme Court's June 29 decision in *Falls v. Goins*, --S.W.3d---, No. M2020-01510-SC-R11-CV, 2023 WL 4243961 (Tenn. June 29, 2023). Defendant Goins's memorandum also announced changes to the procedure for issuing CORs and to the COR form itself. *See* ECF No. 151-5.

4. On July 25, Defendants disclosed this memo and the new rights-restoration procedures and requirements to Plaintiffs, as well as that Defendant Goins had issued a separate memorandum on July 21 outlining a new procedure for processing voter-registration forms from individuals with pre-1981 felony convictions, relevant to Plaintiff TN NAACP's NVRA claims. *See* ECF 158-1, 151-2.

5. On August 2, Defendants filed a motion for summary judgment on all Plaintiffs' claims, as Defendants had previously advised Plaintiffs' counsel. ECF No. 150, 151, 152. Plaintiff TN NAACP cross-moved for partial summary judgment on its NVRA claims (Claims 4 and 6). ECF No. 153, 154, 155, as Plaintiffs had previously advised Defendants' counsel.

6. On August 14 and 23, this Court granted the parties' requests to extend the deadlines for their respective, remaining summary-judgment deadlines, and directed the parties to jointly file a motion to continue the trial date. ECF 164, 168.

7. The parties agree that Defendants' new COR-related procedures present a potentially dramatic change in the factual circumstances of this case and the landscape of voting rights restoration in Tennessee. ECF No. 158, 161.

8. As described in Plaintiffs' extension motion, ECF 158, Plaintiffs are investigating the effects of these changes, if any, on members of the Plaintiff Class and on the individual circumstances of the class representatives. That investigation is ongoing, and Plaintiffs continue

to evaluate the potential impact, if any, on their COR-related claims, as well as to consider the most appropriate response and how it might affect the timing of a trial in this case.

9. For these reasons, the parties therefore respectfully request a continuance of the trial date and propose that they file a joint status report with proposed trial dates within 60 days, by October 23, 2023.

Dated: August 25, 2023

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CERTIFICATE OF SERVICE

I hereby certify that on August 25, 2023, a copy of the foregoing **JOINT MOTION TO CONTINUE TRIAL** was filed electronically. Notice of this filing will be served by operation of the Court's electronic filing system to counsel for parties below. Counsel for the parties may access these filings through the Court's electronic filing system:

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